

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Dessert Seed Company, Inc.

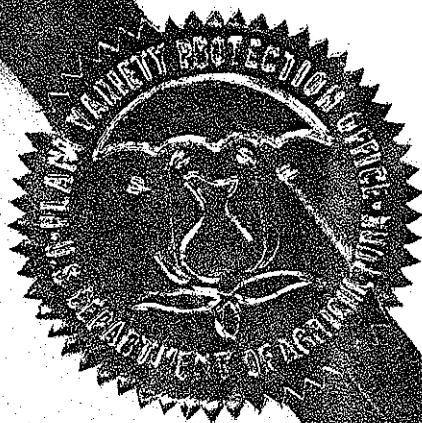
Whereas, THERE HAS BEEN PRESENTED TO THE
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT OF 1930, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

ONION

'Brooks PRR'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 31st day of July in the year of our Lord one thousand nine hundred and eighty.

Attest:

Ernest K. L...
Commissioner

Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

[Signature]
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED
OMB NO. 40-R3822

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

INSTRUCTIONS: See Reverse.

1a. TEMPORARY DESIGNATION OF VARIETY <u>BROOKS PRR</u> <u>WHITE LISBON PRR</u> <i>att ckb</i>		1b. VARIETY NAME <u>BROOKS PRR</u> <u>WHITE LISBON PRR</u> <i>ckb</i>		FOR OFFICIAL USE ONLY PV NUMBER <u>8000041</u>	
2. KIND NAME ONION		3. GENUS AND SPECIES NAME ALLIUM CEPA		FILING DATE <u>1-2-80</u>	TIME <u>2:00</u> <u>P.M.</u>
4. FAMILY NAME (BOTANICAL) LILIACEAE		5. DATE OF DETERMINATION FALL 1974		FEE RECEIVED \$ <u>500.00</u> \$ <u>250.00</u>	DATE <u>1-2-80</u> <u>5/27/80</u>
6. NAME OF APPLICANT(S) DESSERT SEED CO., INC.		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P.O. Box 181 El Centro, CA. 92244		8. TELEPHONE AREA CODE AND NUMBER 714-352-2081	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) DESSERT SEED CO., INC.		10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION CALIFORNIA		11. DATE OF INCORPORATION 1955	
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: A. M. DESSERT, DESSERT SEED COMPANY, INC. P.O. Box 181, El Centro, CA. 92244					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☒ 13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?	14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED?		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		
15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? (If "Yes," give name of countries and dates.)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.) <i>ckb 2/22/80</i>	
15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? (If "Yes," give name of countries and dates.)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.)	

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO
17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.
- The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

12-27-79
(DATE)

[Signature]
(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

INSTRUCTIONS

Rec'd.
1-2-80

GENERAL: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

- 5 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 13a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.
- 14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

8000041

O'MELVENY & MYERS

400 SOUTH HOPE STREET
LOS ANGELES, CALIFORNIA 90071-2899
TELEPHONE (213) 669-6000
FACSIMILE (213) 669-6407

EMBARCADERO CENTER WEST
275 BATTERY STREET
SAN FRANCISCO, CALIFORNIA 94111-3305
TELEPHONE (415) 984-8700
FACSIMILE (415) 984-8701

1999 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067-6035
TELEPHONE (310) 553-6700
FACSIMILE (310) 246-6779

610 NEWPORT CENTER DRIVE
NEWPORT BEACH, CALIFORNIA 92660-6429
TELEPHONE (714) 760-9600
FACSIMILE (714) 669-6994

555 13TH STREET, N.W.
WASHINGTON, D. C. 20004-1109

TELEPHONE (202) 383-5300
TELEX 89622 • FACSIMILE (202) 383-5414

March
16th
1 9 9 5

CITICORP CENTER
153 EAST 53RD STREET
NEW YORK, NEW YORK 10022-4611
TELEPHONE (212) 326-2000
FACSIMILE (212) 326-2061

ONE GATEWAY CENTER
NEWARK, NEW JERSEY 07102
TELEPHONE (201) 639-8600
FACSIMILE (201) 639-8630 • 639-8631

10 FINSBURY SQUARE
LONDON EC2A 1LA
TELEPHONE (0171) 256-8451
FACSIMILE (0171) 638-8205

SANBANCHO KB-6 BUILDING
6 SANBANCHO, CHIYODA-KU
TOKYO 102
TELEPHONE (03) 3239-2800
FACSIMILE (03) 3239-2432

1104 LIPPO TOWER
LIPPO CENTRE
89 QUEENSWAY, CENTRAL
HONG KONG
TELEPHONE (852) 523-8266
FACSIMILE (852) 522-1760

OUR FILE NUMBER
410,894-14
DC1-211237.V1

WRITER'S DIRECT DIAL NUMBER

(202) 383-5350

VIA FEDERAL EXPRESS

Plant Variety Protection Office
U.S. Department of Agriculture
NAL Building, Room 500
10301 Baltimore Boulevard
Beltsville, Maryland 20705-2351

Attn: Ms. Ann K. Zempolich

Re: **Assignment of Plant Variety Protection Certificates
Owned by Sunseeds Company to Internationale
Nederlanden (U.S.) Capital Corporation, as agent for
the Lenders party to the Amended and Restated Credit
Agreement Referred to Below**

Dear Ladies and Gentlemen:

Enclosed please find an originally executed copy of each of (i) the Amended and Restated Security Agreement (the "Security Agreement") dated as of March 14, 1995 by and between Sunseeds Company, a Delaware corporation (formerly known as Sunseeds Acquisition Corporation) ("Sunseeds"), and Internationale Nederlanden (U.S.) Capital Corporation, a Delaware corporation ("ING"), as agent for the Lenders party to the Amended and Restated Credit Agreement referred to below (in such capacity, the "Agent") and (ii) the Amended and Restated Plant Variety Certificates Collateral Assignment (the "Assignment") dated as of March 14, 1995 by and among Lehman Commercial Paper Inc., a New York corporation ("Lehman"), ING, as Agent, and Sunseeds. The Security Agreement and Assignment are provided for recordation of the assignment to ING, as Agent, of the 26 plant variety protection certificates ("PVPCs") listed in Schedule I of the Assignment in accordance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

The PVPCs subject to the Assignment were assigned to Lehman, as agent for the lenders party to that certain Credit Agreement (the "Original Credit Agreement") dated as of March 31, 1994 by and among Sunseeds, Sunseed Corporation, a Delaware corporation (the Co-Borrower), Lehman, as agent, and the lenders

listed therein, pursuant to that certain Plant Variety Certificates Collateral Assignment (the "Original Assignment") dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for such lenders. The Original Credit Agreement was amended and restated pursuant to that certain Amended and Restated Credit Agreement dated as of March 14, 1995 by and among Sunseeds, the Co-Borrower, the Lenders, ING, as Agent, and Lehman, to provide for, among other things, the resignation of Lehman as agent and the appointment of ING as successor agent thereto. In connection therewith, the Security Agreement and the Assignment were entered into to amend and restate that certain Security Agreement dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for the lenders party to the Original Credit Agreement, and the Original Assignment and to reflect the appointment of ING as Agent.

From my telephone conversations with Ms. Ann K. Zempolich and Dr. Kenneth H. Evans of your office, it is my understanding that you will file a copy of this entire cover letter and a copy of Schedule I in the folder of each PVPC listed in Schedule I by placing the copies immediately behind each PVPC in order to notify anyone examining these PVPCs of ING's interest, as agent, in them and refer the examiner to the Security Agreement and Assignment filed in the Assignment Drawers of the Plant Variety Protection Office. Please take this action and any other steps necessary and appropriate to record the assignment in compliance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

To acknowledge your receipt of this letter, the Security Agreement and Assignment, please sign the enclosed copy of this letter on the designated signature line and return the signed copy to me in the enclosed prepaid Federal Express envelope. Thank you for your assistance.

Sincerely,



Ellen Waldorf
for O'MELVENY & MYERS

EW/pt
Enclosure

SCHEDULE I

PVPCs

COLLATERAL ASSIGNMENT - PLANT VARIETY PROTECTION CERTIFICATES

PV#	Crop Kind	Name of Variety	Certificate Issue Date	Expiration Date
8100077	Tomato	Castlong ug	11/26/82	11/26/2000
8100078	Tomato	Castlerock	11/26/82	11/26/2000
8200139	Tomato	Castle Red	11/26/82	11/26/2000
7900076	Onion	Colossal	10/18/79	10/18/1996
7900086	Onion	New Mexico White Grano PRR	10/18/79	10/18/1996
7900117	Onion	New Mexico Yellow Grano PRR	01/29/80	01/29/1997
8000039	Onion	Red Sunset	07/31/80	07/31/1997
8000040	Onion	Blanco Duro	07/31/80	07/31/1997
8000041	Onion	Brooks PRR	07/31/80	07/31/1997
8000159	Onion	Texspan PRR	06/11/81	06/11/1999
8000161	Onion	Early Grand PRR	07/30/81	07/30/1999
8100128	Onion	Glory	04/28/83	04/28/2001
8100129	Onion	Paradise	04/28/83	04/28/2001
8100130	Onion	Regal	04/28/83	04/28/2001
8100166	Onion	Sweet Winter	11/26/82	11/26/2000
8300083	Onion	Crystal Wax Pickling	12/30/83	12/30/2001
9100045	Tomato	Sun 6095	01/31/92	01/31/2010
7600052	Lettuce	Chaparral	05/16/77	05/16/1994
7600053	Lettuce	Costaverde	08/24/77	08/24/1994
7600054	Lettuce	Gustaverde	08/24/77	08/24/1994
7600055	Lettuce	Mesaverde	05/31/77	05/31/1994
7900067	Lettuce	Commander	07/26/79	07/26/1996
8500064	Tomato	Mystro	09/30/87	09/30/2005
8700194	Tomato	Sun 1643	11/29/91	11/29/2009
8800057	Pepper	Prima Belle	09/30/88	09/30/2006
8300168	Okra	Cajun Queen	09/27/85	09/27/2003

Each of the above-referenced Plant Variety Protection Certificates are owned by Sunseeds Company (formerly known as Sunseeds Acquisition Corporation), a Delaware corporation.

BROOKS PRR ^{CRB}
~~White Lisbon~~ Breeding History

- 1964 Crosses were made between pink root susceptible White Lisbon and pink root resistant White Sweet Spanish Utah.
- 1965 F₁ bulbs grown out.
- 1966 White Lisbon was backcrossed onto the F₁ 1965 bulbs.
- 1967 Bulbs were grown out from 1966 backcross in pink root infested soil. Pink root tolerant bulbs were selected.
- 1968 The 1967 selected bulbs were massed in a small seed cage.
- 1969 Bulbs were grown out from 1968 seed cage in pink root infested soil. The bulbs were selected for pink root resistance and White Lisbon type.
- 1970 Single plant selfings were made from 1969 selected bulbs.
- 1971 Bulbs were grown out from 1970 single plant selfing. They were grown in pink root infested soil and selected for pink root resistance and White Lisbon type.
- 1972 Single plant selfings were made from 1971 selected bulbs.
- 1973 Bulbs were grown out from 1972 single plant selfing. They were grown in pink root infested soil and selected for pink root resistance and White Lisbon type. Both characteristics were considered "fixed" genetically at this point.
- 1974 Seed was obtained from a 6' X 12' seed cage increase from 1973 selected bulbs.
- 1975 A large bulb increase was made from the 1974 seed cage increase. The bulbs were grown in pink root infested soil to check the pink root resistant character and White Lisbon type.
- 1976 Seed was obtained from two 12' X 24' seed cage increases from 1975 selected bulbs.
- 1977 Bulbs were grown from the 1976 seed cage increases.
- 1978 A small (1acre) stock seed increase was made from 1977 selected bulbs.
- 1979 The 1978 stock seed was planted in a 15 acre seed-to-seed field for harvest in the fall of 1980.

13B

8000041

BROOKS PRR CRB
~~White Lisbon PRR~~

White Lisbon PRR most closely resembles White Lisbon but is resistant to pink root (*Pyrenochaeta terrestris*).

OBJECTIVE DESCRIPTION OF VARIETY

REFERENCES: See Reverse.

ONIONS (ALLIUM CEPA L.)

NAME OF APPLICANT(S) DESSERT SEED COMPANY, INC.	FOR OFFICIAL USE ONLY PVPO NUMBER: 8000041
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P.O. Box 181 El Centro, CA. 92244	VARIETY NAME OR TEMPORARY DESIGNATION

Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (e.g., **0 8 9** or **0 9**) when number is either 99 or less or 9 or less.

1. TYPE:

2 1 = BULB 2 = BUNCHING **2** 1 = SHORT DAY 2 = LONG DAY

0 0 TO **5 0** DEGREES MEAN LATITUDE - ADAPTATION RANGE

2 Maturity (days): 1 = EARLY (75 - 90) 2 = MEDIUM (100 - 120) 3 = LATE (> 130)

2. PLANT

6 5 CM. HEIGHT ABOVE SOIL LINE TO HIGHEST POINT OF ANY FOLIAGE

0 5 CM. TALLER THAN WHITE LISBON (Comparable variety)

0 0 CM. SHORTER THAN WHITE LISBON (Comparable variety)

1 1 = ERECT (Spartan Gem) 2 = INTERMEDIATE 3 = FLOPPY (Epoch)

3. LEAF:

7 0 CM. LONG (before maturity yellowing begins)

1 5 MM. WIDE **1 0** MM. THICK AT MIDLENGTH OF LONGEST LEAF

3 Color: 1 = LIGHT GREEN (Early Grano) 2 = MEDIUM GREEN (Yellow Bermuda)
3 = BLUE GREEN (Australian Brown U.C. No. 1)

2 Bloom: 1 = NONE - glossy 2 = LIGHT (Early Grano) 3 = MEDIUM (Crystal Wax) 4 = HEAVY (California Early Red)

4. SHEATH:

4 5 MM. COLUMN LENGTH (Height from soil line to base of lowest succulent leaf) **0 5** MM. DIAMETER AT MIDLENGTH

8 0 Scape: CM. FROM SOIL LINE TO BASE OF INFLORESCENCE

2 5 Scape: MM. DIAMETER AT MIDLENGTH

5. INFLORESCENCE:

Umbel (for seed production)

10 MAXIMUM NO. PER PLANT **4** MINIMUM NO. PER PLANT **6** AVERAGE NO. PER PLANT

8 0 MM. DIAMETER **1** 1. COMPACT 2 = LOOSE/OPEN 3 = SHAGGY

2 Spathe: 1 = LONG BEAK 2 = SHORT BEAK **2** Flower Color: 1 = WHITE 2 = GREEN 3 = BRIGHT GREEN

6 MM. ANTHR LENGTH

2 Anther Color: 1 = LIGHT GREEN 2 = DARK GREEN 3 = YELLOW 4 = PALE YELLOW 5 = CHOCOLATE 6 = RED

2 Pollen Viability: 1 = STERILE 2 = FERTILE **2** Sepal Shape: 1 = LONG POINTED 2 = ROUND SHORT

8000041

FORM GR-470-16 (REVERSE)

6. BULB:

 AVERAGE NUMBER BULBS PER METER

 Size (Harvest): 1 = SMALL (Red Creole) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = LARGE (Early Grano)

 Shape (see attached chart): 1 = GLOBE (White Sweet Spanish) 2 = DEEP GLOBE (Abundance)
 3 = FLT. GLOBE (Australian Brn. U.C. No. 1) 4 = TOP SHAPE (Texas Grano 502)
 5 = DEEP FLAT (Granex) 6 = THICK FLAT (Ebenezer)
 7 = FLAT (Crystal Wax) 8 = TORPEDO-LONG OVAL (Italian Red)

 CM. HEIGHT ÷ CM. DIAMETER = .67 SHAPE INDEX

 1 = INVAGINATE 2 = EVAGINATE

 Color (Skin): 01 = BROWN (Australian Brn. U.C. No. 1) 02 = PURPLISH RED (Italian Red)
 03 = BUFF RED (Red Creole) 04 = PINKISH YELLOW (Ebenezer)
 05 = BROWNISH YELLOW (Mt. Danvers) 06 = DEEP YELLOW (Brigham Yellow Globe)
 07 = MEDIUM YELLOW (Early Yellow Globe) 08 = PALE YELLOW (Yellow Bermuda)
 09 = WHITE (White Sweet Spanish) 10 = OTHER (Specify) _____

 Color (Interior): 1 = PINK 2 = RED 3 = PURPLISH-RED 4 = WHITE
 5 = CREAM 6 = LIGHT GREEN-YELLOW 7 = DARK GREEN-YELLOW

 Scales: 1 = FEW (Crystal Wax) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = MANY (Sweet Spanish)

 Scales: 1 = THICK (Australian Brown U.C. No. 1) 2 = MEDIUM (Red Creole) 3 = THIN (Crystal Wax)

 Scale Retention: 1 = VERY GOOD (Australian Brn. U.S. No. 1) 2 = GOOD (Ebenezer)
 3 = FAIR (Red Wethersfield) 4 = POOR (Crystal Wax)

 Pungence: 1 = MILD (Early Grano) 2 = MEDIUM (Crystal Wax) 3 = STRONG (White Creole)

 Storage: 1 = GOOD (Ebenezer) 2 = FAIR (Yellow Globe Danvers) 3 = POOR (Crystal Wax)

7. DISEASE RESISTANCE (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

 BLACK MOLD NECK ROT PURPLE BLOTCH SMUT
 MILDEW PINK ROOT SMUDGE YELLOW DWARF

8. INSECT RESISTANCE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

 THRIP OTHER (Specify) _____

9. INDICATE A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leaf Height	White Lisbon	Flower Ball	White Lisbon
Leaf Color	White Lisbon	Bulb Color	White Lisbon
Leaf Bloom/Wax	White Lisbon	Bulb Size	White Lisbon
Flower Stalk	White Lisbon	Bulb Shape	White Lisbon
Maturity at Same Location	White Lisbon		

REFERENCES

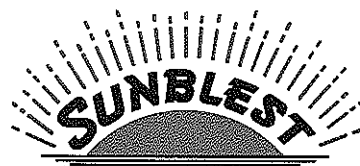
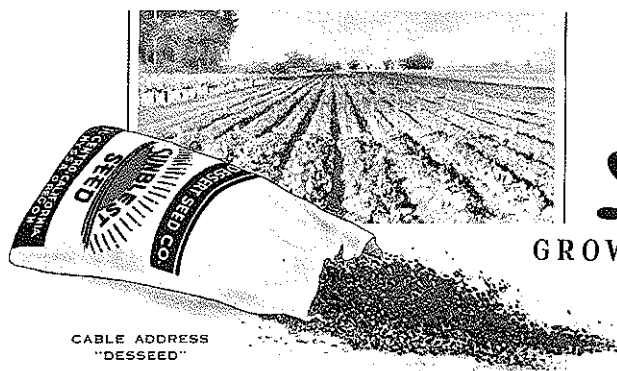
- Jones, H. A. and Mann, L. K. 1963 - Onions and Their Allies, Interscience Publishers, Inc., New York
- USDA Misc. Pub. No. 435, 1941 - Descriptions of Types of Principal American Varieties of Onions
- Hayward, H. E., 1938 - The Structure of Economic Plants, McMillan, New York (Reprint 1967)
- Ag Research, 7 (8):8 - Feb. 1959 - Branding Onion Outcasts
- Salem, I. A. 1966 - Inheritance of Onion Bulb Shape, Iowa St. University - PhD. thesis

13D

8000041

BROOKS PRR
~~White Lisbon PRR~~

This a widely grown variety for green-bunching onions produced from seed. It is a long-day type and can be grown later than most varieties without getting bulb formation. The foliage is upright, dark green and maintains a fresh look for a considerable time after harvest. The flesh is white, crisp and mild. Pink root resistance has been incorporated.



Dessert Seed Company, Inc.
PAT. NO. 427936

GROWERS OF SEED

MAIN OFFICE

P.O. BOX 181, EL CENTRO, CALIFORNIA 92243
TELEPHONE 714-352-2081

CABLE ADDRESS
"DESSEED"

TWX #Desseedco ELC 910-322-1314

February 1, 1980

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Livestock, Poultry, Grain & Seed Division
National Agricultural Library Building
Beltsville, Maryland 20705

-NOTICE-

DISCLAIMER OF ALL WARRANTIES AND AGREEMENT TO LIMIT DAMAGES - Seed sold by Dessert Seed Company, Inc. is sold "As Is" without warranty either expressed or implied. Specifically, DESSERT SEED COMPANY, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. The description of the seed set forth on tags, invoices and contract is believed to be accurate, however, because of the difficulties of identifying types or varieties or strains of seed by visual observation, DESSERT SEED COMPANY, INC. EXPRESSLY DISCLAIMS ANY WARRANTY THAT THE SEEDS SOLD CONFORM TO THE DESCRIPTION. ANY LIABILITY OF DESSERT SEED COMPANY, INC. IS LIMITED IN AMOUNT TO THE PURCHASE PRICE OF THE SEED AND THIS WILL BE THE BUYER'S EXCLUSIVE REMEDY UNDER ALL CIRCUMSTANCES, including but not limited to negligence, errors, omissions, mixed lots, wrong variety, performance of the seed or poor germination. These seeds are sold at the price quoted only upon the condition that the above disclaimer of warranty and the limitation of damages are part of the basis of the bargain. Seeds not accepted under these terms should be returned at once in the original unopened container and buyer should immediately request a price quotation which includes such warranties as the basis of the bargain. By accepting delivery of these seeds, buyer and all other persons coming into possession of these seeds agree to the above terms. DESSERT SEED COMPANY, INC.

Attn: Dr. C. Rose Broome

Dear Dr. Broome:

This is to acknowledge receipt of your letter dated January 22nd. Answering your first question, No we have not applied for protection in any other country.

Regarding the second section of your letter, what we had published about this White Lisbon. We have originally been working with another line of this and we thought we had a true White Lisbon. We were testing it here in California and it didn't bulb up, but when we transferred it to Idaho and Oregon and tested it in the middle of summer it wouldn't stay in a bunching form long enough. It would form a bulb and it was not true White Lisbon. So that is why we had to take that out and go with this other line which we have tested as I say for it's ability to make a long white shank for bunching Onions and not bulb up under long day lights and hot weather. I hope this clears that part up. I remain,

Yours very truly,

DESSERT SEED COMPANY, INC.

A. M. Dessert
A. M. Dessert
Vice-President/Production

AMD/dst

GROWERS OF THE FOLLOWING SEEDS

ASPARAGUS, BEET, BROCCOLI,
CABBAGE, CANTALOUPE, CARROT,
CAULIFLOWER, CELERY, CHICORY,
COLLARDS, CUCUMBER, ENDIVE,
HERBS, KOHLRABI, LETTUCE, LEEK,
MELON, MUSTARD, OKRA, ONION,
PARSLEY, RADISH, SQUASH, TOMATO,
TURNIP, AND WATERMELON, ALFALFA,
CLOVER, GRASSES FLOWER SEED
GROWERS

MEMBER

AMERICAN SEED TRADE ASSN.
SOUTHERN SEEDMEN'S ASSN.
PACIFIC STATES SEEDMEN'S ASSN.

PLANT VARIETY PROTECTION ASSIGNMENT

THIS PLANT VARIETY PROTECTION ASSIGNMENT ("Assignment") is made and entered into as of this ____ day of _____, 1994, ("Effective Date"), by and between Sunseeds Ltd., L.P., a Delaware limited partnership, ("Assignor"), and Sunseeds Company (formerly Sunseeds Acquisition Corporation), a Delaware corporation, ("Assignee").

WHEREAS, pursuant to a certain Asset Purchase Agreement dated March 7, 1994, Assignor has agreed to sell to Assignee substantially all of Assignor's assets used in the Assignor's business, including the United States Plant Variety Protection Certificates set forth on Schedule A attached hereto (the "PVP Certificates") and the foreign plant variety registrations set forth on Schedule B attached hereto (the "Foreign Registrations").

WHEREAS, Assignor is the sole and exclusive owner of the entire right, title and interest in, to and under the PVP Certificates and Foreign Registrations; and

WHEREAS, Assignee wishes to acquire and Assignor wishes to assign all right, title and interest in and to the PVP Certificates and Foreign Registrations.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, the entire right, title and interest in and to the PVP Certificates and Foreign Registrations, for the United States and for any foreign country, for its own use and enjoyment, and for

the use and enjoyment of its successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all claims for damages by reason of past, present or future infringement or other unauthorized use of the plants protected by the PVP Certificates and Foreign Registrations, with the right to sue for, and collect the same for its own use and enjoyment, and for the use and enjoyment of its successors, assigns, or other legal representatives.

Assignor authorizes and requests the Department of Agriculture to record Assignee as owner of the PVP Certificates and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor authorizes and requests the Ministero Per Il Coordinamento Delle Politiche Alimentare Gest. Prod. Agricole and any other organization, department or agency with jurisdiction over registration of plant varieties to record Assignee as owner of the Foreign Registrations and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor shall provide Assignee, its successors, assigns or other legal representatives, reasonable cooperation and assistance at Assignee's request (such as the execution and

delivery of any and all affidavits, declarations, oaths, exhibits, assignments, powers of attorney or other documentation as may be reasonably required) in the implementation or perfection of this Assignment.

* * * * *

IN TESTIMONY WHEREOF, the undersigned has caused this Assignment to be signed and executed this 31st day MARCH, 1994.

Sunseeds Ltd., L.P.

By: Gerald M. Prado

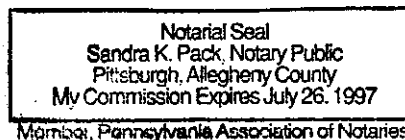
Name: Gerald M. Prado

Title: President/CEO

STATE OF Pennsylvania
COUNTY OF Allegheny } SS.

On this 31st day of March, 1994, there appeared before me Gerald M. Prado, personally known to me to be the same person whose name is subscribed to the foregoing Assignment and who acknowledged that he signed the foregoing Assignment as his voluntary act and deed for the use and purpose therein set forth.

Sandra K. Pack
Notary Public



Assignment

Schedule A

PLANT VARIETY PROTECTION CERTIFICATES

<u>Current Record Owner</u>	<u>PV#</u>	<u>Crop Kind</u>	<u>Name of Variety</u>	<u>Cert. Issue Date</u>	<u>Expiration Date</u>
A.L. Castle, Inc.	8100077	Tomato	Castlong ug	11/26/82	11/26/2000
	8100078	Tomato	Castlerock	11/26/82	11/26/2000
	8200139	Tomato	Castle Red	11/26/82	11/26/2000
ARCO Seed Co.	7900076	Onion	Colossal	10/18/79	10/18/96
	7900086	Onion	New Mexico White Grano PRR	10/18/79	10/18/96
	7900117	Onion	New Mexico Yellow Grano PRR	1/29/80	1/29/97
	8000039	Onion	Red Sunset	7/31/80	7/31/97
	8000040	Onion	Blanco Duro	7/31/80	7/31/97
	8000041	Onion	Brooks PRR	7/31/80	7/31/97
	8000159	Onion	Texspan PRR	6/11/81	6/11/99
	8000161	Onion	Early Grand PRR	7/30/81	7/30/99
	8100128	Onion	Glory	4/28/83	4/28/2001
	8100129	Onion	Paradise	4/28/83	4/28/2001
	8100130	Onion	Regal	4/28/83	4/28/2001
	8100166	Onion	Sweet Winter	11/26/82	11/26/2000
	8300083	Onion	Crystal Wax Pickling	12/30/83	12/30/2001
	8100001	Triticale	Jenkins	2/15/84	
	8200032	Triticale	Grace	11/15/81	
	8100150	Celery	Grande	1/13/83	
Sunseeds, Div. of Westseeds, Inc.	9100045	Tomato	Sun 6095	1/31/92	1/31/2010
Sunseeds Genetics, Inc.	7600052	Lettuce	Chaparral	5/16/77	5/16/94
	7600053	Lettuce	Costaverde	8/24/77	8/24/94
	7600054	Lettuce	Gustaverde	8/24/77	8/24/94
	7600055	Lettuce	Mesaverde	5/31/77	5/31/94
	7900067	Lettuce	Commander	7/26/79	7/26/96
	8500064	Tomato	Mystro	9/30/87	9/30/2005
	8700194	Tomato	Sun 1643	11/29/91	11/29/2009
	8900171	Cauliflower	White Diamond	4/18/89	
	8800057	Pepper	Prima Belle	9/30/88	9/30/2006
UF Genetics, Inc.	8300168	Okra	Cajun Queen	9/27/85	9/27/2003